

Proposed settlement with McPhail, Detroit charter school in flux; Proposed settlement with McPhail, Detroit charter school in flux

The Detroit News: Web Edition Articles (MI)

January 8, 2019 Tuesday

Copyright 2019 Digital First Media [Detroit]
Distributed by Newsbank, Inc. All Rights Reserved

Section: NEWS/EDUCATION

Length: 596 words

Byline: Jennifer Chambers

Body

Detroit - After reaching a court settlement with a Detroit charter school over the firing of former Detroit City Councilwoman Sharon McPhail, an attorney for McPhail said Monday that lawyers for the charter school are now refusing to sign the agreement.

Elliott S. Hall, the attorney for McPhail, said settlement talks have been ongoing since mid-October with Detroit Community Schools, just days after the school terminated McPhail for allegedly refusing to obtain the proper state certification to be superintendent there.

"We are trying to settle this case, but we have one party to the case, Bay Mills, who doesn't want to sign the settlement, which is stupid. They are the ones who started the lawsuit," Hall said Monday in Wayne Circuit Court.

"... We've got the settlement together, and we just found out last week that Bay Mills doesn't want to sign the settlement after their lawyers negotiated it."

Aaron Vaughn Burrell, attorney for Bay Mills Community College, the charter school's authorizer, was not immediately available for comment.

Hall said if attorneys from both sides cannot resolve the matter by the end of the week, they will be back before Wayne Circuit Judge Craig Strong for a hearing on the school's lawsuit, a request for a restraining order against McPhail and counterclaims filed by McPhail against the school.

Details of the proposed settlement are confidential, Hall said. The case has been reset for Jan. 24.

"I have a feeling they are going to resolve it," Hall said.

Detroit Community Schools sued McPhail after she was terminated on Oct. 8 for allegedly refusing to obtain the proper state certification to be superintendent within three years of being hired in 2012. The same day McPhail was fired, Bay Mills appointed a conservator to bring the school into compliance with state law.

Attorneys for the school are seeking a restraining order to prohibit McPhail from managing business operations at the school and requiring her to return its property.

McPhail, who is being sued by the college, disputes her former employer's claim that she lacked certification as a school administrator. In court documents, McPhail's attorneys maintain she is certified.

Proposed settlement with McPhail, Detroit charter school in flux; Proposed settlement with McPhail, Detroit charter school in flux

In a legal brief, McPhail said she does have certification but that she has "never been responsible for instructional programs at Detroit Community Schools," adding that "at no time during my employment has my job been to administer instructional programs."

The school has incurred \$200,000 in state fines as a result of McPhail's alleged "failure to comply" with state law to be credentialed, according to attorneys for the school.

State law mandates that school administrators hired before January 2010 are not required to hold administrator certification and those hired after that time must hold a valid administrator certificate or be enrolled in a program leading to such certification.

In addition to the restraining order, the school is also suing McPhail, asking the court to issue a judgment that says McPhail has no authority to operate or enter the school, to act as a signatory or co-signatory on school accounts and to keep any school property.

The lawsuit also asks for a judicial order to block McPhail from interfering with the conservator, Nancy Berkompas, and her duties.

McPhail had held four different titles at the school: general counsel, chief business officer, chief administrative officer and school leader, which Berkompas' suit alleges was an attempt to evade the certification requirement.

The school, founded in 1997, has 650 students in grades K-12.

jchambers@detnews.com

Graphic

After reaching a settlement with charter school over the firing of Sharon McPhail, an attorney said lawyers for the charter school are now refusing to sign agreement

Classification

Language: ENGLISH

Publication-Type: Web Publication

Subject: LAWYERS (91%); PUBLIC SCHOOLS (89%); SUITS & CLAIMS (89%); CHARTER SCHOOLS (89%); LAW COURTS & TRIBUNALS (89%); LITIGATION (89%); NEGATIVE PERSONAL NEWS (89%); JUDGES (75%); COMMUNITY COLLEGES (75%); ALTERNATIVE DISPUTE RESOLUTION (75%); EDUCATION ADMINISTRATION (75%); EDUCATIONAL INSTITUTION EMPLOYEES (75%); AGREEMENTS (74%); DISMISSALS (74%); TALKS & MEETINGS (68%); COLLEGES & UNIVERSITIES (64%); BUSINESS OPERATIONS (50%)

Industry: LAWYERS (91%); PUBLIC SCHOOLS (89%); CHARTER SCHOOLS (89%); COMMUNITY COLLEGES (75%); COLLEGES & UNIVERSITIES (64%)

Proposed settlement with McPhail, Detroit charter school in flux; Proposed settlement with McPhail, Detroit charter school in flux

Load-Date: January 23, 2019

End of Document